

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

08-CR-00010-PJS/FLN

UNITED STATES OF AMERICA,	)	JUDGE PATRICK J. SCHILTZ
	)	
Plaintiff,	)	MAGISTRATE JUDGE
	)	FRANKLIN L. NOEL
v.	)	
	)	<b>NOTICE OF MOTION</b>
FRANCIS LEROY McLAIN,	)	<b>AND MOTION TO</b>
	)	<b>DISMISS INDICTMENT</b>
Defendant.	)	
_____	)	

TO: THE UNITED STATES OF AMERICA AND ITS ATTORNEY, David Genrich, 300 South 4th Street, Suite 600, Minneapolis, MN 55415.

YOU WILL PLEASE TAKE NOTICE that at a session of the above-named Court, to be held before Magistrate Judge Franklin L. Noel, at the United States Courthouse, Courtroom 9W, on the 16<sup>th</sup> day of April at 9:00 am, or as soon thereafter as Rick Mattox, Court-Appointed Attorney for defendant Francis Leroy McLain can be heard, defendant will move this Court to dismiss the indictment against him for the reason that said indictment was drawn in violation of the Fifth Amendment, United States Constitution. This motion is brought pursuant to Federal Rule of Criminal Procedure 12(b)(3)(A).

Date: April 9, 2008

Respectfully submitted,

*s/ Rick E. Mattox*

\_\_\_\_\_  
Rick E. Mattox, Attorney for Defendant  
Franklin Trail Office Building, Suite 250  
16670 Franklin Trail  
Prior Lake, MN 55372  
(952) 469-2299

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

08-CR-00010-PJS/FLN

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	JUDGE PATRICK J. SCHILTZ
	)	
v.	)	
	)	MAGISTRATE JUDGE
FRANCIS LEROY McLAIN,	)	FRANKLIN L. NOEL
	)	
Defendant.	)	
_____	)	

**MOTION TO DISMISS INDICTMENT FOR VIOLATION(S)  
OF THE GRAND JURY CLAUSE OF THE FIFTH AMENDMENT**

COMES the defendant in the above-entitled action, Francis Leroy McLain, and moves this Court to dismiss the indictment against him for the reason that said indictment was drawn in violation of the Fifth Amendment, United States Constitution.

See Memorandum of Law in support, attached hereto.

WHEREFORE, defendant Francis Leroy McLain moves this Court to grant him the relief he requests.

Respectfully submitted,

Date: April 9, 2008

*s/ Rick E. Mattox*

\_\_\_\_\_  
Rick E. Mattox, Attorney for Defendant  
Franklin Trail Office Building, Suite 250  
16670 Franklin Trail  
Prior Lake, MN 55372  
(952) 469-2299